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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,365	09/25/2001	Kazumasa Ayukawa	P21475	5941

7055 7590 01/26/2005

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ART UNIT	**PAPER NUMBER**
3682	

DATE MAILED: 01/26/2005

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/961,365
Filing Date: September 25, 2001
Appellant(s): AYUKAWA ET AL.

Bruce H. Bernstein
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 08, 2004.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claims 1-4 and 6 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

4.813,915	Kotzab	03-1989
JP 05-83516	Yasuhito et al.	12-1993

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-4 and 6 are rejected under 35 U.S.C. 103 (a). This rejection is set forth in a prior Office Action, mailed on May 11, 2004.

(11) Response to Argument

Applicant indicated that claims 1-4 and 6 define over the prior art because the prior art do not teach or suggest the torsion coil spring is attached eccentrically to the axial center of the base, in which one end of the coil spring is connected to the base and the other end of the torsion coil spring is connected to the rocking arm, so that a first damping force acting on the rocking arm when the belt is tensioned is relatively larger than a second damping force acting on the rocking arm when the belt is slack. Applicant further stated that the amount of the damping force is amplified by the eccentricity the coil spring. In response, it should be noted that JP (05-83516) to Yasuhito et al. and Kotzab clearly disclosed the spring is eccentric to the axial center of the base. Note the axial center of the base of Kotzab is not necessarily the rotational center and thus the axial center is an imaginary line passing through the symmetrical center of the base. In reference to Kotzab, the axial center of the base is offset from the rotational center of the base and it can be seen that the spring is concentric to the

rotational center but eccentric to the axial center. In addition, since the axial center of the base does not coincide with the rotational center the maximum spring force will be directed to the arm. It should also be noted the damping force is a function of the frequency and the frequency is a function of the load. Thus, when the load increases the twisting angle and the frequency increases and thus the damping force increases. Therefore, when the belt is tight the load on the arm increases resulting a larger damping force on the arm. It is known that when the belt is slack the load on the arm decreases thus the frequency decreases resulting a lower damping force.

In addition, it should be noted when the belt is under tension the angle of rotation of the arm increases the reaction to the torsion spring and thus the damping force also becomes larger (see U S Patent 6,332,374 to Someda et al, (col. 5, lines 25-30)).

Regarding argument to claim 2, that the prior art do not teach the arm is movably attached to the base. It should be noted that both Yasuhito et al. and Kotzab clearly disclose the arm movably attached via a fastener to the base.

For the above reasons, it is believed that the rejection to claims 1-4 and 6 should be sustained.

Respectively Submitted

January 19, 2005

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January 24, 2005